

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

MODIFIED NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS

DIVISION 2, CHAPTER 6.5, AMEND ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS, SECTION 1200 AND 1201 AND ARTICLE 3, GENERAL DRIVING REQUIREMENTS, SECTION 1217, AND ARTICLE 4, ADDITIONAL REQUIREMENTS FOR SCHOOL BUS, SPAB, AND YOUTH BUS DRIVERS, SECTION 1221, 1222, AND ARTICLE 6, CARRIER REQUIREMENTS, SECTION 1232, AND ADDS NEW SECTION 1231.2 PAB VEHICLE INSPECTION

MOTOR CARRIER SAFETY PUPIL ACTIVITY BUSES (CHP-R-09-01)

California Vehicle Code (CVC) Section 34501 and 34501.5 requires the Department of the California Highway Patrol (CHP) to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in CVC Sections 545 and 34500. Those regulations are contained in Title 13, California Code of Regulations.

Assembly Bill 830, Chapter 649, 2008, effective January 1, 2009, amended CVC, Section 545 (School bus), adding new subsection (k). This new subsection exempts motor vehicles designed to carry not more than 25 persons including the driver, from the definition of school bus when operated by a charter-party carrier of passengers; transporting school pupils to or from school related activities; and will not require a contractual agreement between the school and carrier to engage in school pupil transportation.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Since the last Notice of Proposed regulatory action, in addition to clarifying and other non-substantive changes, the California Highway Patrol has reconsidered this proposal to amend Title 13, California Code of Regulations (CCR), Section 1217 to prohibit a PAB driver from ejecting any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent; the modified proposed text deletes "PAB" from Title 13, CCR, Section 1217, Subsection (i); thereby, removing any involvement by a school, as the school district is not party to the transportation agreement. A new subsection (j) will be adopted to limit ejection of a pupil to the custody of a parent or any person designated by the parent.

The CHP also proposes to prohibit the transportation of alcoholic beverages in a PAB, at any time, amending Section 1221; to prohibit smoking in a PAB when a pupil is onboard, amending Section 1222; and to amend Section 1231.2 to reduce the inspection fee of ninety dollars (\$90) to seventy-five dollars (\$75), for each PAB to be inspected.

A copy of the modified text is attached.

PUBLIC COMMENTS

Any interested person may submit written comments on these proposed actions via facsimile to (916) 332-3154, by email to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
ATTN: Mr. Lee Bretney
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments must be received no later than 4:45 p.m., November 24, 2010.

AVAILABILITY OF INFORMATION

The CHP has available for public review a modified statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the modified proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 332-3154 or by calling the CHP, Commercial Vehicle Section (CVS), at (916) 843-3400. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 North 7th Street, Sacramento. Interested parties are advised to call for an appointment.

Any person desiring to obtain a copy concerning the written materials pertaining to the proposed regulations may request them at the above noted address. Copies will also be posted at www.chp.ca.gov.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Lee Bretney, CHP, CVS, at (916) 843-3400. Inquiries regarding the substance of the proposed regulations should also be directed to Mr. Lee Bretney or Gary Ritz.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
J. B. RODRIGUEZ, Chief
Enforcement and Planning Division